

REMARKS

The Examiner is thanked for the careful examination of the application. However, in view of the foregoing amendments and the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw not only the restriction requirement but the rejections of the claims.

Restriction:

The Examiner has made the restriction requirement final. However, the Examiner clearly has not understood the basis for Applicants' traversal of the requirement. Specifically, the Examiner indicates "the traversal is on the ground(s) that 'a thorough search of the subject matter of claims 15-24 would be essentially coextensive with thorough search of the subject matter claims 1-14...'" However, the Examiner's attention is directed to page 7 of the response filed on January 16, 2003. On page 7, Applicants argued that the restriction is traversed because the Examiner's restriction requirement was based on a misunderstanding of the claims. Specifically, the original restriction requirement said that "a materially different process such as aperturing may be used to produce the patterned fluid pervious web". However, the method of claims 1-14 relates to producing a fluid-pervious fabric and claim 15 relates to a fluid pervious fabric for imparting a pattern to a fibre web. None of the method steps relate to rendering the fabric fluid-pervious. The method steps relate to deforming a portion of the fabric structure in the Z-direction and the deformation zones. Note that claim 1 specifically states that the *fluid permeability remains essentially unchanged*. Thus, whether or not a patterned fluid-pervious web can be

rendered fluid-pervious by aperturing is irrelevant to the method of claims 1-14.

Accordingly, the restriction requirement should be withdrawn.

Claim Rejections - 35 U.S.C. § 112:

Claims 17-24 have been rejected under 35 U.S.C. § 112, second paragraph. In response to that rejection, appropriate amendments have been made to address the issues raised by the Examiner. In the event that the Examiner is of the opinion that additional issues exist, the Examiner is respectfully urged to telephone the undersigned attorney so that a resolution to such issues can be properly reached.

Art Rejections:

Claims 15-24 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 4,591,523, hereinafter Thompson. Claim 15 is directed to a fluid-pervious fabric which includes deformation zones and fabric zones outside the deformation zones. Claim 15 indicates that the fluid permeability is essentially equal in both the fabric zones and in the deformation zones.

In contrast to the fluid-pervious fabric of claim 15, Thompson discloses a film 20 in Figure 2 and in alternative embodiment in Figure 5. The web 20 illustrated in Figure 2 is typically made of polyethylene. See column 7, line 19. In addition, the web is in the form of a film (column 6, line 18) which has a plurality of depressions 23. Each of the depressions has a plurality of apertures 26 in the base thereof. Thompson teaches that the web 20 is used for making a breathable backsheet. See column 5, lines 39-45. Thompson

indicates that the polymeric web is breathable, but resistant to the transmission of aqueous fluid. See column 1, lines 10-11. Furthermore, since the web 20 is made of a film, clearly any type of breathability of the film 20 is imparted by the apertures 26.

Accordingly, the web 20 of Thompson is not fluid-pervious. It is breathable, but resists into the transmission of aqueous fluid. Furthermore, to the extent that the Examiner takes the position that such description indicates that the web 20 is fluid-pervious, the web 20 of Thompson is clearly not equally fluid permeable in any regions that could correspond to the claimed fabric zones and deformation zones. As set forth above, any type of vapor or fluid permeability would be imparted solely through the apertures 26, which are located only in deformations 23 within the web 20. There are no apertures (and thus no permeability) in the remaining portions of the web. Accordingly, the web 20 is clearly not equally fluid permeable in both deformation zones and fabric zones outside of deformation zones.

Concerning claim 18, the Examiner alleges that Thompson discloses a patterned fibre web. However, claim 18 defines a patterned fibre web that comprises a plurality of fibres arranged in a fibrous structure. The Examiner refers to the embodiment disclosed in Figure 5 and described at column 9, lines 22-27. However, this embodiment is also a film structure which includes embossments to give the appearance of fibres. Note the description of a "fiber-like web" in column 9, line 23. Thus, Thompson does not disclose a patterned fibre web comprising a plurality of fibers. Thompson discloses a film that is embossed with a fibre-like pattern. Accordingly, Thompson does not teach or suggest the structure of claim 18.

Claims 16 and 17 depend from claim 15, and claims 19-24 depend from claim 18. Accordingly, the dependent claims are patentable over Thompson at least for the reasons set forth above with respect to the independent claims from which they depend.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections of claims 15-24 and to respectively examine the subject matter of claims 1-14.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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